IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL REVISION NO.2147 OF 2006 (O&M)

DATE OF DECISION: JANUARY 11, 2007

Vijay Kumar

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. Denesh Goyal, Advocate,
for the petitioner.

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RANJIT SINGH, J.

Order passed by a Special Judge, Ropar, declining the prayer of the petitioner for dropping the proceedings and return of the challan on the ground that the Court of Special Judge, Ropar, would not have jurisdiction to try the case, is under challenge in the present revision.

The petitioner is being proceeded against for an offence under Sections 7, 13(2) of the Prevention of Corruption Act, 1988, with the allegation that while working as a Senior Assistant in the office of State Transport Commissioner, Punjab, Chandigarh, he had demanded Rs.1,000/- as illegal gratification to do the work of the complainant and ultimately was caught red handed while accepting Rs.500/- as illegal gratification. After investigation, the Vigilance Bureau, Mohali, had filed a challan in the Court of Special Judge, Ropar. The charge was accordingly framed on 22.2.2005. On 2.9.2006, the

petitioner filed an application for dropping the proceedings on the ground that the Court at Ropar would not have any jurisdiction to try him as the tainted money was recovered at Chandigarh.

The application is opposed by the State, pleading that demand for illegal gratification was made at Mohali, which falls within the jurisdiction of Ropar and hence, part of cause of action would arise within the jurisdiction of Ropar, making the Court competent to take cognizance and proceed with the trial.

The petitioner, in support of his contention, placed reliance on ***Kamal Dev Vs. State of Haryana,*** 1986 (3) CRIMES 305 and ***Pandurang and others Vs. State of Maharashtra,*** 1986 Crl.L.J. 1975. Kamal Dev's case (supra) dealt with territorial jurisdiction of the Court and the case of Pandurang and others (supra) is in regard to lack of jurisdiction to hear the case. Kamal Dev's case (supra) is a case where the petitioner was being challaned for possessing assets which were disproportionate to his known source of income. In that context, it was observed by this Court that office of the accused alone would be relevant to determine the known source of income. This case, in my view, may not be attracted to the facts of the present case. The present case against the petitioner is for accepting an illegal gratification, demand for which was raised at Mohali. This fact was not denied or disputed by the petitioner. The trial Court referred to the provisions of Section 4 (2) of the Prevention of Corruption Act, which provides that the case is to be tried by a Special Judge of the area within which the offence is committed or by a Special Judge appointed for the case as specified by the Central Government. The Special Judge came to

conclude that part of offence was committed at Mohali and hence, the present proceedings could very well be continued before the Special Judge, who was specified as a Special Judge to exercise jurisdiction in terms of Section 4(2) of the Prevention of Corruption Act.

In this view of the factual position, no case for interference in the order passed by the Special Judge is made out and the present petition is accordingly dismissed.

January 11, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**